

CENTER FOR DISABILITY ACCESS
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UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

Francisco Duarte,

Plaintiff,

v.

M & L Brothers Pharmacy, Inc., a
California Corporation,

Defendants.

Case: 2:14-CV-00029-ODW(Ex)

**Plaintiff's Statement of
Genuine Disputes of Material
Fact by Opposing Party** (in
support of opposition to the MSJ)

Date: October 27, 2014
 Time: 1:30 P.M.
 Ctrm: 11

Hon. Otis D. Wright II

Plaintiff Francisco Duarte submits this statement of genuine disputes
 of material facts, together with references to supporting evidence, in
 opposition to the defense motion for summary judgment.

Defendant's Statement of Uncontroverted Facts	Plaintiff's Response
1. Entrance signs to the parking lot contain tow away information.	Undisputed.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	<p>2. The number of handicap spaces in the parking lot are based on the total number of spaces in the parking lot for the business but specifically exclude parking spaces in a separate but adjoining parking lot that are not part of Defendant's business.</p> <p>The business has only 7 parking spaces, including a handicap space.</p>	<p>Objection to the first sentence. This is just the defense interpretation of the law and is not a factual statement at all.</p> <p>As to the second sentence, the plaintiff disputes that there are only 7 spaces that serve the Victory Drug.</p> <ul style="list-style-type: none"> • Defense Evidence (Jones Dec), ¶ 4-5; Defense Exhibits 2-3. • Plaintiff's Evidence: Plaintiff's Exhibit 3 (Photos), photos 2-4 & 7-10 (these photos show the signage stating that the additional parking to the north is available for Victory Drug)
24 25 26 27 28	<p>3. Handicap spaces, including a van accessible space, are indicated by signage and striping.</p>	<p>Objection. It is unclear whether this statement is a general statement of law or supposed to be a factual claim about this particular property.</p>

Plaintiff does not dispute that there is a van space that is indicated by signage and striping in the western lot, but plaintiff disputes that it complies with the ADA.

- Defense Evidence: Joes Dec. ¶ 6; Defense Exhibit 3;
- Plaintiff's Evidence: Plaintiff's Exhibit 2 (Expert Bishop's Dec), ¶ 12-13; Plaintiff's Exhibit 3 (Photos), photos 11-13.

Dated: October 5, 2014

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/s/ Mark Potter

By: _____

Mark Potter, Esq.

Attorneys for Plaintiff